



1625

Atty. Dkt. No. 051023-0111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Janak PADIA et al

Title: UREA DERIVATIVES AS  
INHIBITORS FOR CCR-3  
RECEPTOR

Appl. No.: 10/019,652

Filing Date: July 2, 2002

Examiner: D. Margaret M. Seaman

Art Unit: 1625

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AMENDMENT TRANSMITTAL

Mail Stop NON-FEE AMENDMENT  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

Assertion of Small Entity status is enclosed.

The fee required for additional claims is calculated below:

	Claims As Amended	Previously Paid For	Extra Claims Present	Rate	Additional Claims Fee
Total Claims:	41	<input type="checkbox"/>	41	= 0 x \$18.00 =	\$0.00
Independents:	<u>1</u>	<input type="checkbox"/>	<u>3</u>	= <u>0</u> x \$86.00 =	<u>\$0.00</u>
First presentation of any Multiple Dependent Claims:				+ \$290.00 =	\$0.00
				CLAIMS FEE TOTAL: =	\$0.00

[ ] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

Extension for response filed within the first		
[ ] month:	\$110.00	\$0.00
Extension for response filed within the second		
[ ] month:	\$420.00	\$0.00
Extension for response filed within the third		
[ ] month:	\$950.00	\$0.00
Extension for response filed within the fourth		
[ ] month:	\$1,480.00	\$0.00
Extension for response filed within the fifth		
[ ] month:	\$2,010.00	\$0.00
EXTENSION FEE TOTAL:		
<u>\$0.00</u>		
Statutory Disclaimer Fee under 37 C.F.R.		
[ ] 1.20(d):	\$110.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE		
TOTAL: <u>\$0.00</u>		
[ ]	Small Entity Fees Apply (subtract ½ of above):	
TOTAL FEE: <u>\$0.00</u>		

[ ] Please charge Deposit Account No. 19-0741 in the amount of \$0.00. A duplicate copy of this transmittal is enclosed.

[ ] A check in the amount of \$0.00 is enclosed.

[ X ] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

*Michael M. Niles*

By *Reg. No. 34,717*

Date Oct 20, 2003

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*per* Stephen A. Bent  
Attorney for Applicant  
Registration No. 29,768



Atty. Dkt. No. 051023-0111  
Appln. Ser. No. 10/019,652

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Janak PADIA et al

Title: **UREA DERIVATIVES AS INHIBITORS FOR CCR-3 RECEPTOR**

Appl. No.: 10/019,652 Filing Date: July 2, 2002

Examiner: D. Margaret M. Seaman Art Unit: 1625

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**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop NON-FEE AMENDMENT  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This submission is responsive to the revised restriction requirement set forth in the Office Action mailed September 24, 2003. The due date for a response is October 24, 2003; this submission, therefore, is timely filed.

Applicants thank the Examiner for revising the restriction requirement, originally mailed on August 26, 2003, to include subject matter that was omitted from the original requirement. Applicants acknowledge that the Examiner's telephonic discussion with their representative on September 15, 2003 resulted in the present restriction requirement being issued.

The Examiner required restriction between 29 allegedly distinct inventions on the theory that the inventions lack unity of invention as prescribed under PCT Rule 13.2. Except for group 29, which is allegedly drawn to a non-statutory category of invention, the groups are divided primarily according to the values of Ar, R<sub>1</sub>, R<sub>2</sub>, and R<sub>3</sub>, in the general formula that is recited in claim 1. In addition to electing one of the 29 groups, the Examiner also required Applicants to elect a single disclosed species.

In response, Applicant elects **Group I** (claims 1 – 25 (in part)), which is drawn to compounds wherein Ar is phenyl or naphthyl and none of R<sub>1</sub>, R<sub>2</sub>, and R<sub>3</sub> (if present) represent a heterocycle. Additionally, Applicants identify compound 60 as the single species that is

consonant with the election of Group I. Compound 60 is disclosed in the specification, for example, at pages 32-33 and at page 62 (Table 1a). Claims 1 – 10, 17, 18, and 23 – 41 read on the elected species.

Applicants now await an early and favorable action on the merits. Should the Examiner feel that a telephone interview is warranted, she is invited to contact the undersigned at the number below.

Date Oct 20, 2003

Respectfully submitted,

*Michael M. Bent*  
By Reg. No. 34,717

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